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JAN 27 1999

TIMOTHY R. WALBRIDGE, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN RE:

POWERNET COMMUNICATIONS, an
Oklahoma corporation,

Debtor.

Case No. 97-00294-M
Chapter 11

SCOTT P. KIRTLEY, Trustee of the
Estate of POWERNET
COMMUNICATIONS, an Oklahoma
corporation,

Plaintiff,

v.

HOST COMMUNICATIONS, INC., a
California corporation,

Defendant.

Adv. No. 97-0263-M

JUDGMENT

THIS MATTER comes on for hearing on the Order to Show Cause filed by this Court on January 13, 1999. Plaintiff appears by and through his attorney, James Hicks. Defendant appears by and through its attorney, James J. Proszek. The Court, being fully advised in the premises, makes the following findings:

1. On November 10, 1998, this Court entered a Judgment in this Adversary Proceeding.

Said Judgment contained the following operative provisions:

IT IS HEREBY ORDERED that Host Communications, Inc., Defendant, shall provide an accounting to Scott P. Kirtley, Trustee of the Chapter 7 Bankruptcy Estate of PowerNet Communications,

DOCKETED 1-28, 1999.
Clerk, U.S. Bankruptcy Court
Northern District of Oklahoma

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Inc., Plaintiff, for all commissions due to it as a result of the \$208,470.42 in collections which it received.

IT IS FURTHER ORDERED that said accounting shall be in a format which follows § 5.3 of the Contract, and allows the parties to determine how Host arrived at the commission amount.

IT IS FURTHER ORDERED that said accounting shall be filed with the Court and served upon counsel for Powernet within twenty-one (21) days of the date of this Judgment.

IT IS FURTHER ORDERED that said accounting shall not make any adjustment for bad debt other than a deduction of three percent (3%) as provided for in the Contract.

2. On December 1, 1998, Defendant sought an extension of time from this Court to provide said accounting. Said extension was granted in part. Defendant was granted until December 30, 1998, to provide the accounting ordered by the Court.
3. Defendant failed to timely file the accounting. Accordingly, on January 13, 1999, this Court entered its Order to Show Cause why Defendant and/or its counsel should not be held in contempt for failure to abide by the Court's Order. Said Order to Show Cause also advised Defendant "that, if no accounting is filed, the Court shall be prepared to enter a judgment against Defendant on the basis of the record previously made to the Court."
4. At the January 26, 1999, hearing, counsel for the Defendant advised that his client was unable to prepare the accounting as a result of cessation of the business operations of the Defendant.
5. The Court finds that, based upon the record made at the September 24, 1998, trial in

this matter, that judgment should be entered against Defendant and in favor of the Plaintiff in an amount equal to twenty percent (20%) on the sum of \$208,470.42 collected by Defendant, without further adjustment. The Court further finds that it is appropriate to tax the costs of this action against Defendant.

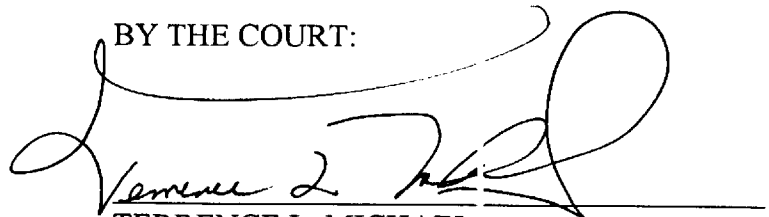
6. The Court further finds that the entry of a finding of contempt against either Defendant or Defendant's counsel is not justified.

IT IS THEREFORE ORDERED that Scott P. Kirtley, Trustee of the Estate of PowerNet Communications, Inc., an Oklahoma corporation, Plaintiff, shall and does hereby take judgment against Defendant, Host Communications, Inc., in the amount of Forty One Thousand Six Hundred Ninety Four and 8/100ths Dollars and (\$41,694.08), for which let execution issue.

IT IS FURTHER ORDERED that the cost of this action be taxed to the Defendant.

Dated this 27th day of January, 1999.

BY THE COURT:



TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY JUDGE

c: James Hicks
James J. Proszek

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